

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 8-14 and 18-47 are cancelled. Claims 1-7, 15-17 and 48-51 remain in this application and are submitted for the Examiner's reconsideration.

Applicants express appreciation to Examiners Allen and Zurita for the telephone interview held with Applicants' attorney on October 4, 2006 regarding the differences between the claimed subject matter and the cited references which are discussed in the present Amendment.

The present application is a national stage of an international application. A copy of the International Search Report together with the references cited therein were submitted to the U.S. Patent and Trademark Office when the national stage application was filed. Applicants request that the Examiner consider these references and provide acknowledgement of same. M.P.E.P. § 609.03.

In the Office Action, claims 1-3, 5-7, 15-17 and 48-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenney (U.S. Patent No. 6,381,583) in view of Kurokawa (U.S. Patent No. 5,929,930); claim 4 was rejected under 35 U.S.C. § 103 as being unpatentable over Kenney in view of Kurokawa as applied to claim 1 and further in view of Gaughan (U.S. Patent No. 6,067,383); and claims 50-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenney in view of Kurokawa as applied to claim 1 and further in view of Sitnik (U.S. Patent No. 6,160,570). Applicants submit that the claims are patentably distinguishable over the cited references.

For example, claim 1 calls for:

receiving broadcast program data and information associated with a plurality of consumer commodities that appear in a broadcast program formed of the broadcast program data, the information associated with the plurality of consumer commodities being

synchronously transmitted with the broadcast program data;

reproducing the broadcast program from the received broadcast program data;

displaying the reproduced broadcast program on a display;

selecting one of the plurality of consumer commodities while that commodity appears in the displayed broadcast program;

extracting the information associated with the selected one of the plurality of consumer commodities from the information associated with the plurality of consumer commodities;

displaying at least a portion of the information associated with the selected one of the plurality of consumer commodities on a child screen superimposed on the reproduced broadcast program; and

storing information about the selected one of the plurality of consumer commodities while the reproduced broadcast program is being displayed so that the stored information about the selected one of the plurality of consumer commodities is accessible after the reproduced broadcast program is displayed.

The sections of the references that are relied on by the Examiner do not disclose or suggest a program and do not disclose or suggest program data.

The Examiner nevertheless contends that "Kenney does relate to a 'broadcast program'". For the Examiner to make this contention, he must construe the term "program" way too broadly, namely, the Examiner must construe the term "program" well beyond its broadest reasonable meaning as would be understood by one of ordinary skill in the art. M.P.E.P. § 2111.

The relied-on sections of Kenney describe that signals representing a static, 3-dimensional visual replica of a display of goods at a shopping facility are received by a local computer, stored as data, and made available for presentation by a display. A shopper then controls the display to show images that change at the shopper's command. (See Figs. 2 and 4, col.4 1.66 to col.5 1.2, col.5 1.57-59, and col.6 1.60-66.) Though the images correspond to what the shopper would see were the

shopper to move through the actual shopping facility, the path by which the shopper traverses through the facility is chosen by the shopper. The sequence in which the images are displayed is thus determined by the shopper and are not presented in a predefined order. Hence, the images displayed using Kenney's system is not considered a program by one of ordinary skill in the art, and the data representing a visual replica of the shopping facility is therefore not considered program data. It follows that Kenney does not disclose or suggest a program and does not disclose or suggest program data.

Neither the cited sections of Kurokawa nor the cited sections of any of the other references remedy the deficiencies of Kenney. Therefore, none of the relied-on sections of the references, whether taken alone or in combination, discloses or suggests the method defined in claim 1, and claim 1 is therefore patentably distinct and unobvious over the cited reference.

Claims 2-7, 15-17, and 48-51 each depend from claim 1. Therefore, each of these claims is distinguishable over the cited art for at least the same reasons that are set out above regarding claim 1.

Accordingly, the withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.


Application No.: 10/009,331

Docket No.: SONYJP 3.3-758

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 31, 2006

Respectfully submitted,

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